

area of the glove body. The cushion disclosed in Weber is composed of a deformable bladder defining a chamber for containing fluid, and a separate viscoelastic material in operable relationship with the chamber, such that when a fluid is disposed within the chamber, the cushion is capable of damping vibration. (Weber, column 3, lines 57-68, column 4, lines 1-8). Claim 20 has been amended to indicate that the vibration dampening material is a layer of viscoelastic molded material and a layer of foam material. This limitation alone distinguishes the claimed invention from the invention described by Weber. Furthermore, for the Weber invention to function properly, the glove cushion must contain both a deformable bladder and fluid in an operable relationship with a separate viscoelastic material. Since the construction of a glove cushion without the fluid-filled chamber in operable relationship to the viscoelastic material is not described by Weber, the claimed invention is not anticipated under 35 U.S.C. § 102.

The rejection of claim 24 as being anticipated under 35 U.S.C. § 102 by Weber is respectfully traversed. The rejection is presumed to be premised upon Weber's disclosure at column 9, lines 1-32 (and Fig. 16) of a glove comprising a glove body and a cushion attached to the interior palm area of the glove body, combined with the disclosure at column 5 lines 49-52 of molding viscoelastic material to a desired shape. However, claim 24 is dependent upon claim 20, which, as discussed *supra*, is distinguished from Weber. Furthermore, Weber does not describe the forming of the viscoelastic material into the three-dimensional shape required to fit the rest position of the human hand. Weber's disclosure at column 4, lines 14-20 indicates the forming of the viscoelastic material is limited to that required to shape the material to fit within the fluid filled chamber. Nor does Weber disclose shaping the fluid filled chamber to correspond to the rest position of a human hand. Hence, since curving the viscoelastic material in three dimensions

to correspond to the rest position of a human hand is not described by Weber, the invention claimed in claim 24 is not anticipated under 35 U.S.C. § 102.

The rejection of claim 29 as being anticipated under 35 U.S.C. § 102 by Weber is respectfully traversed. The rejection is premised upon the disclosure in Weber at column 9, lines 1-32 (and Fig. 16) of a glove comprising a glove body and a cushion attached to the interior palm area of the glove body. As discussed *supra*, Weber does not disclose the use of a layer of viscoelastic material without the concurrent use of a fluid filled chamber in operable relation thereto. Nor, as discussed *supra*, does Weber disclose the forming of the viscoelastic layer into the three-dimensional shape required to fit the rest position of the human hand. Hence, the claimed invention of claim 29 is not anticipated under 35 U.S.C. § 102 by Weber.

*Paragraph 4 of the Examiner's Claim Rejections*

The rejection of claim 30 as being obvious under 35 U.S.C. § 103 over Weber is respectfully traversed. The basis for the rejection is the disclosure in Weber at Fig. 16 of a dampener comprising a viscoelastic material extending from the palm portion to the finger portion, and that it would be obvious for one skilled in the art to select a viscoelastic material resulting in the claimed dampening functions. However, as discussed *supra*, Weber teaches the use of viscoelastic material in operable relationship with a fluid filled bladder for purposes of vibration dampening. (column 3, lines 1-6 and lines 66-68; column, 4 lines 1-5). As amended, claim 30 clarifies that the vibration dampener of the present invention does not contain a fluid filled bladder. Furthermore, Weber specifically teaches that the shock absorbing capability of the cushion may be varied by selectively varying the amount of fluid contained within the bladder (column 3, lines 6-10), not by varying the viscoelastic material. Hence, claim 30 is not made obvious under 35 U.S.C. § 103 by Weber.

The rejection of claim 31 as being obvious under 35 U.S.C. § 103 over Weber is respectfully traversed. The basis for the rejection is the disclosure in Weber at Fig. 16 of a dampener comprising a viscoelastic material extending from the palm portion to the finger portion, and that it would be obvious for one skilled in the art to select viscoelastic material resulting in the claimed dampening functions. Claim 31 is dependent from claim 30, hence the divergent teachings of Weber discussed *supra* in regard to claim 30 apply. In addition, the examiner cites to *In re Leshin*, 125 U.S.P.Q. 416 (CCPA 1960) as holding that the selection of a known material on the basis of its suitability for the intended use is a matter of obvious design choice within the general skill of a worker in the art. *Leshin* involved a situation where an inventor of a container-dispenser of a type regularly made of plastic in prior art attempted to claim his invention on the basis of the specific type of plastics he used in its construction. The CCPA held this to be obvious under § 103. However, this holding is limited to situations where an invention attempts to use a material for a specific purpose already taught generally in the prior art. As discussed *supra*, the viscoelastic material disclosed in Weber must be used in an operable relation with a fluid-filled chamber. Weber does not teach its use absent the presence of the fluid-filled chamber. Hence, claim 31 is not made obvious under 35 U.S.C. § 103 by Weber or by the holding in *In re Leshin*.

*Paragraph 5 of the Examiner's Claim Rejections*

The rejection of claim 21 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for the rejection is the glove as disclosed in Weber, combined with disclosure in Jaskiewicz at column 1, lines 36-39 of gel-filled cushions, said cushions having creases or seam lines restricting the flow of fluids (Jaskiewicz, column 3, lines 28-34). As discussed *supra*, the viscoelastic material of Weber is formed and employed in

operable relationship with a separate fluid-filled chamber. The present invention of claim 21 contains no such fluid-filled chamber. Additionally, the seam lines of Jaskiewicz are not provided to facilitate bending of the glove in that area, but rather to subdivide a single cushioning compartment into multiple individual compartments with restricted air-flow (Jaskiewicz, column 3, lines 28-34). Finally, even if one were to attempt to provide creases in the cushioning material of Weber to facilitate bending of the glove, it would be necessary to use multiple pieces of viscoelastic material, one for each resulting compartment, as it would be impossible to form a seal or weld in a fluid-filled chamber if the viscoelastic material was interposed between the upper and lower surfaces of the chamber. Similarly, creases in the viscoelastic material of Weber alone would not serve to aid in bending of the glove at that point because no corresponding crease or seam could be formed in the fluid-filled chamber at that point. Hence, providing creases in the layer of viscoelastic material of claim 21 is non-obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 27 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for the rejection is that it would have been obvious to one skilled in the art to provide creases in the viscoelastic material of Weber et al. in order to restrict movement of material within the fluid-filled chamber while allowing easier bending of the glove in that area as shown by Jaskiewicz. Claim 27 does not disclose the use of a fluid-filled chamber in operable relation to the viscoelastic material. Furthermore, as discussed *supra*, providing creases in the viscoelastic material of Weber et al. will not serve any purpose. Hence, to provide creases in the viscoelastic material of claim 27 is not obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 28 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for the rejection is that it would have been obvious to one skilled in the art to provide creases in the viscoelastic material of Weber et al. in order to restrict movement of material within the fluid-filled chamber while allowing easier bending of the glove in that area as shown by Jaskiewicz. Claim 28 is dependent from claim 27, which, as discussed *supra*, is distinguished from Weber in view of Jaskiewicz. Hence claim 28 is not obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 22 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for this rejection is the glove as disclosed in Weber, combined with the disclosures at Figs. 3 and 3a of Jaskiewicz of a cushioning means shaped such that it is thicker in the palm and thinner in the finger portion. The glove of claim 22 contains no fluid-filled chamber in operable relationship to the viscoelastic material as is taught by Weber. Furthermore, Jaskiewicz teaches changing the thickness of the cushioning size by varying the size and amount of matter contained within the fluid-filled chambers. Changing the relative thickness of the viscoelastic material of Weber would not substantially affect the overall thickness of the cushioning means. Hence, to change the thickness of the viscoelastic material of claim 22 is non-obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 23 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for this rejection is the glove as disclosed in Weber, combined with the disclosures at Figs. 3 and 3a of Jaskiewicz of a cushioning means shaped such that the thickness tapers from palm to finger portions. The glove of claim 23 contains no fluid-filled chamber in operable relationship to the viscoelastic material as is taught by Weber. Furthermore, Jaskiewicz teaches tapering the thickness of the cushioning size by use

of successively smaller and smaller individual cushioning compartments. Applying this teaching to Weber would result in a series of smaller and smaller fluid-filled chambers in operable relation to individual pieces of viscoelastic material. Hence, to continuously taper the thickness of the single layer of viscoelastic material of claim 23 from palm to fingers is non-obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 25 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for this rejection is the glove as disclosed in Weber, combined with the disclosures at Figs. 3 and 3a of Jaskiewicz of a cushioning means shaped such that it is thicker in the palm and thinner in the finger portion. The glove of claim 25 contains no fluid-filled chamber in operable relationship to the layer of viscoelastic material as is taught by Weber. Furthermore, Jaskiewicz teaches changing the thickness of the cushioning size by varying the size and amount of matter contained within the fluid-filled chambers. Changing the relative thickness of the viscoelastic material of Weber would not substantially affect the overall thickness of the cushioning means. Hence, to change the thickness of the viscoelastic material of claim 25 is non-obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

The rejection of claim 26 as being obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz is respectfully traversed. The basis for this rejection is the glove as disclosed in Weber, combined with the disclosures at Figs. 3 and 3a of Jaskiewicz of a cushioning means shaped such that the thickness tapers from palm to finger portions. However, claim 26 is dependent from claim 25, which, as discussed *supra*, is distinguished from Weber in view of Jaskiewicz. Hence, claim 26 is non-obvious under 35 U.S.C. § 103 over Weber in view of Jaskiewicz.

*Paragraph 6 of the Examiner's Claim Rejections*

The rejection of claim 18 as being obvious under 35 U.S.C. § 103 over Weber in view of Hiles is respectfully traversed. The basis for this rejection is the use of viscoelastic material in Weber combined with the use of channels forming gas-filled voids in the viscoelastic material of Hiles. Hiles teaches the use of such channels to provide for the passage of air and to decrease the weight of the viscoelastic material (Hiles, column 5, lines 6-10). Furthermore, the channels or grooves of Hiles are located on the exterior surfaces of the viscoelastic material, and not contained internally. Claim 18 has been amended to indicate that the gas filled voids of the present invention are in fact non-interconnecting gas filled bubbles contained internal to the viscoelastic material. They do not allow for the passage of air, nor are they intended to reduce the weight of the material, but rather function to slightly improve the antivibration properties of the viscoelastic material. Hence, the use of internal non-interconnecting gas bubbles within the viscoelastic material to enhance the antivibration properties of the present invention would not be obvious under 35 U.S.C. § 103.

The rejection of claim 19 as being obvious under 35 U.S.C. § 103 over Weber in view of Hiles is respectfully traversed. The basis for this rejection is the dispersal of the gas-filled voids discussed *supra* of Hiles. Claim 19 has been amended to indicate that the gas-filled voids of the present invention are bubbles, not channels or grooves as described in Hiles. Furthermore, claim 19 is dependent upon claim 18, which has been amended to indicate that the gas-filled bubbles are internal to the viscoelastic material, not located on an exterior surface such as the grooves or channels of Hiles. Because Hiles only describes the use of grooves or channels on the exterior surface of the viscoelastic material (Fig. 2), it does not teach the dispersal of gas-filled bubbles throughout the interior of the viscoelastic material. Hence, the dispersal of gas-filled bubbles

throughout the interior of the viscoelastic material of the present invention is non-obvious under 35 U.S.C. § 103.

*Paragraph 7 of the Examiner's Claim Rejections*

The rejection of claim 1 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is the disclosure in Spence of a glove having a pad in the palm, the pad comprised of a viscoelastic polymer which is enveloped by a covering of foam. Claim 1 does not indicate that the viscoelastic material of the present invention is enveloped by a covering of foam. Rather, claim 1 states that there are two coterminous layers, one of the viscoelastic material, and a second of foam. Being coterminous, the layers do not envelop one another, but rather have identical shapes covering identical areas, one sitting above the other. Furthermore, the requirement of the layers being coterminous mandates that they be held in fixed positions relative to one another so that their edges are located in the same positions, i.e. that they are immobile. In contrast, Spence specifically requires that the viscoelastic material remain unattached to its outer covering of foam material (Spence, column 6, lines 1-3, 36-38) so as to allow for the physical feel of natural soft tissue (Spence, column 4, lines 20-24). Hence, claim 1 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 2 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is the disclosure in Spence of a glove having a pad or cushion containing a viscoelastic material enveloped by a covering of foam. Claim 2 is dependent upon claim 1, which, as discussed *supra*, is distinguished from Spence et al. Furthermore, it is specifically required that the second and third layers of the vibration dampener be coterminous with the layer of viscoelastic material and each other. By being coterminous no layer envelopes another, and as discussed *supra*, they are held fixed relative to each other, not



unattached as required by Spence. Finally, it is not required in claim 2 that the first and third layers be composed of the same or similar material, or that they be located on opposite sides of the viscoelastic material. Spence teaches that viscoelastic material is enveloped by a layer of foam, i.e., surrounded by the same material top and bottom. Spence does not teach the use of different types of materials, nor does Spence teach the use of two additional layers located on the same side of the viscoelastic material. Hence claim 2 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 3 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is the disclosure in Spence of a glove having a pad or cushion containing a viscoelastic material enveloped by a covering of foam. Claim 3 is dependent upon claim 2, which, as discussed *supra*, is distinguished from Spence et al. Furthermore, as is shown in Fig. 3 of the present application, when the first coterminous layer is sandwiched between the second and third coterminous layers, neither the second nor third layer is in contact with the other. Without such contact along the peripheral edges, the first layer of viscoelastic material is not enveloped as is taught by Spence et al. Hence, claim 3 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 4 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is the disclosure in Spence of a pad containing viscoelastic material such as PVC. However, claim 4 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 4 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 5 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it is within routine skill in the art to

choose a viscoelastic material disclosed in Spence with the specific properties which would act to dampen in a manner most useful for the intended use of the glove. However, claim 5 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 5 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 6 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it is within routine skill in the art to choose a viscoelastic material disclosed in Spence with the specific properties which would act to dampen in a manner most useful for the intended use of the glove. However, claim 6 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 6 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 8 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it is within routine skill in the art to choose a viscoelastic material disclosed in Spence with the specific properties which would act to dampen in a manner most useful for the intended use of the glove. However, claim 8 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 8 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 9 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it is within routine skill in the art to choose a viscoelastic material disclosed in Spence with the specific properties which would act to dampen in a manner most useful for the intended use of the glove. However, claim 9 is

dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 9 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 10 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it would have been obvious to one having ordinary skill in the art to construct the foam covering of Spence out of material of the claimed thickness. However, claim 10 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 10 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 11 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it would have been obvious to one having ordinary skill in the art to construct the foam covering of Spence out of material of the claimed thickness. However, claim 11 is dependent upon claim 10, which in turn, is dependent upon claim 1. Claim 1, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 11 is not made obvious under 35 U.S.C. § 103 in light of Spence.

The rejection of claim 30 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. The basis for the rejection is that it would have been obvious to one skilled in the art to construct the pad of Spence as extending from the palm portion to the fingers of the glove as claimed. Claim 30 as amended discloses a dampening layer of viscoelastic material disposed in a glove, not, as described in Spence, a glove containing a pad structure comprising a core of viscoelastic material surrounded by an unattached outer covering of neoprene material. To use the viscoelastic material of Spence without the unattached outer covering of neoprene material is non-obvious, as it would not produce the desired physical feel

for the pad (Spence, column 4, lines 20-24). Hence, to produce the claimed glove containing viscoelastic material without an unattached outer neoprene cover is non-obvious under 35 U.S.C. § 103 in light of Spence et al.

The rejection of claim 31 as being obvious under 35 U.S.C. § 103 over Spence et al. is respectfully traversed. Claim 31 is dependent upon claim 30, which as discussed *supra*, has been shown to be distinguished from and non-obvious in light of Spence et al. Hence, claim 31 is not made obvious under 35 U.S.C. § 103 in light of Spence et al.

*Paragraph 8 of the Examiner's Claim Rejections*

The rejection of claim 12 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based the premise that it would be obvious to apply the preformed non-uniform shape of the Jaskiewicz cushion to the pad of Spence. However, claim 12 is dependent upon claim 1, which as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 12 is not made obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 13 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the seam lines in the Jaskiewicz cushion formed by adhesives or heat fusing etc. to the pad of Spence in order to allow easier bending of the glove in that area as shown by Jaskiewicz. However, claim 13 is dependent upon claim 12, which in turn is dependent upon claim 1. Claim 1 as discussed *supra*, is distinguished from the pad disclosed in Spence, hence, claim 13 is not made obvious by Spence et al. in view of Jaskiewicz. Furthermore, Spence et al. specifically teaches away from creating the type of seam lines or creases disclosed by Jaskiewicz. In Spence, it is specifically required that the pad have an *unattached* outer covering surrounding

a core of viscoelastic material (Spence, column 6, lines 1, 37). To form the seam lines taught by Jaskiewicz it is necessary to heat fuse, glue, or stitch the individual layers together (Jaskiewicz, column 3, line 21-24). Hence, claim 13 is not made obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 14 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the varying thickness of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 14 is dependent upon claim 12, which in turn is dependent upon claim 1. Claim 1 as discussed *supra*, is distinguished from the pad disclosed in Spence, hence, claim 14 is not made obvious by Spence et al. in view of Jaskiewicz.

The rejection of claim 15 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the tapering thickness of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 15 is dependent upon claim 12, which in turn is dependent upon claim 1. Claim 1 as discussed *supra*, is distinguished from the pad disclosed in Spence, hence, claim 15 is not made obvious by Spence et al. in view of Jaskiewicz.

The rejection of claim 16 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the curved shape of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 16 is dependent upon claim 12, which in turn is dependent upon claim 1. Claim 1 as discussed *supra*, is

distinguished from the pad disclosed in Spence, hence, claim 16 is not made obvious by Spence et al. in view of Jaskiewicz.

The rejection of claim 20 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The basis for the rejection is that it would have been obvious to one skilled in the art to apply the preformed non-uniform shape of the Jaskiewicz cushion to the pad of Spence. Claim 20 as amended discloses a non-uniform dampening layer of viscoelastic material disposed in a glove, not, as described in Spence, a glove containing a pad structure comprising a core of viscoelastic material surrounded by an unattached outer covering of neoprene material. To use the viscoelastic material of Spence, regardless of its uniformity, without the unattached outer covering of neoprene material is non-obvious, as it would not produce the desired physical feel for the pad (Spence, column 4, lines 20-24). Hence, to produce the claimed glove containing non-uniform viscoelastic material without an unattached outer neoprene cover is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 21 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the seam lines in the Jaskiewicz cushion formed by adhesives or heat fusing etc. to the pad of Spence in order to create creases facilitating manipulation of the glove in that area as shown by Jaskiewicz. However, claim 21 is dependent upon claim 20, which, as discussed *supra*, is distinguished from Spence in view of Jaskiewicz. Furthermore, as discussed *supra*, Spence teaches away from the use of creases, welds or seam lines as used in Jaskiewicz. Hence, claim 21 is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 22 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would

be obvious to apply the varying thickness of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 22 is dependent upon claim 20, which, as discussed *supra*, is distinguished from Spence in view of Jaskiewicz. Hence, claim 22 is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 23 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the tapering thickness of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 23 is dependent upon claim 20, which, as discussed *supra*, is distinguished from Spence in view of Jaskiewicz. Hence, claim 23 is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 24 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the curved shape of the Jaskiewicz cushion to the pad of Spence in order to allow easier movement of the hand as shown by Jaskiewicz. However, claim 24 is dependent upon claim 20, which, as discussed *supra*, is distinguished from Spence in view of Jaskiewicz. Hence, claim 24 is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 25 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to one skilled in the art to provide the viscoelastic material in the pad of Spence with a thicker portion near the palm and thinner portion near the fingers of a glove as is shown in Jaskiewicz. Claim 25 as amended clarifies that the viscoelastic material of the present invention is not contained within a non-attached neoprene envelope as is taught by Spence. Hence to

provide the pad of Spence in a varying thickness as taught by Jaskiewicz does not make obvious the claim of the present invention under 35 U.S.C. § 103.

The rejection of claim 26 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to one skilled in the art to provide the viscoelastic material in the pad of Spence with a tapered thickness from the palm portion to the fingers of a glove as is shown in Jaskiewicz. However, claim 26 is dependent upon claim 25, which, discussed *supra* is distinguished from Spence in light of Jaskiewicz. Hence, claim 26 is non-obvious over Spence et al. in view of Jaskiewicz.

The rejection of claim 27 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to one skilled in the art to provide creases in the pad of Spence in order to allow easier manipulation of the glove as shown by Jaskiewicz. However, Spence et al. specifically teaches away from creating the type of seam lines or creases disclosed by Jaskiewicz. In Spence, it is specifically required that the cushioning pad have an *unattached* outer covering surrounding a core of viscoelastic material (Spence, column 6, lines 1, 37). To form the seam lines taught by Jaskiewicz it is necessary to heat fuse, glue, or stitch the individual layers together (Jaskiewicz, column 3, line 21-24). Hence, to form creases in a single layer of viscoelastic material of claim 27 is not made obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 28 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to one skilled in the art to provide creases in the pad of Spence near the fingers in order to allow easier manipulation of the glove as shown by Jaskiewicz. However, claim 28 is



dependent upon claim 27, which, as discussed *supra*, has been distinguished from Spence et al. in view of Jaskiewicz. Hence, claim 28 is not made obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

The rejection of claim 29 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz is respectfully traversed. The rejection is based on the premise that it would be obvious to apply the curved shape of the Jaskiewicz cushion to the pad of Spence in order to correspond to the rest position of the human hand. Claim 29 has been amended to clarify that the viscoelastic material of the present invention is not contained within an unattached neoprene envelope as is taught by Spence. To use the viscoelastic material of Spence, regardless of the curved shape taught by Jaskiewicz without the unattached outer covering of neoprene material is non-obvious, as it would not produce the desired physical feel for the pad (Spence, column 4, lines 20-24). Hence, to produce the claimed glove with the viscoelastic material curved to fit the rest position of the human hand and without an unattached neoprene cover is non-obvious under 35 U.S.C. § 103 over Spence et al. in view of Jaskiewicz.

*Paragraph 9 of the Examiner's Claim Rejections*

The rejection of claim 17 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Howard is respectfully traversed. The basis for the rejection is that it would have been obvious to one skilled in the art to provide the padding of Spence over the finger as well as the palm such that the padding extends towards the glove back, partially encircling the fingers as taught by Howard. However, claim 17 is dependent upon claim 1, which, as discussed *supra*, has been distinguished from the pad disclosed in Spence et al. Hence, claim 17 is not made obvious under 35 U.S.C. § 103 over Spence et al. in view of Howard.

*Paragraph 10 of the Examiner's Claim Rejections*

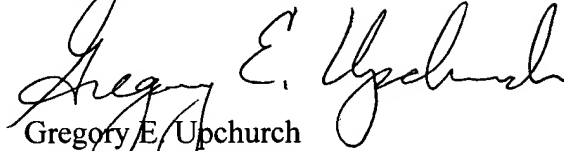
The rejection of claim 7 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Hiles is respectfully traversed. The basis for this rejection is that it would have been obvious to provide the gas-filled voids of Hiles in the viscoelastic material of Spence et al. in order to provide for the passage of air and to decrease the weight of the viscoelastic material as taught by Hiles. The gas-filled voids of Hiles are channels and grooves (Hiles, column 5, lines 6-10) located on the exterior surface of the viscoelastic material (Fig. 2), and are not dispersed internally to the viscoelastic material. Claim 7 has been amended to indicate that the gas-filled voids of the present invention are non-interconnecting bubbles dispersed internally to the viscoelastic material of the present invention. Being non-interconnecting, they do not permit the passage of air, but rather serve to enhance the anti-vibration properties of the viscoelastic material. Hence, the dispersal of gas-filled bubbles throughout the interior of the viscoelastic material of the present invention is non-obvious under 35 U.S.C. § 103.

The rejection of claims 18 and 19 as being obvious under 35 U.S.C. § 103 over Spence et al. in view of Hiles is respectfully traversed. The basis for these rejections is that it would have been obvious to provide the gas-filled voids of Hiles in the viscoelastic material of Spence et al. in order to provide for the passage of air and to decrease the weight of the viscoelastic material as taught by Hiles. As discussed *supra*, claims 18 and 19 have been amended to indicate that the gas-filled voids of the present invention are internal non-interconnecting bubbles, not the externally located channels and grooves of Hiles. Furthermore, as discussed *supra*, the bubbles of the present invention serve a different function from the grooves and channels of Hiles. Hence, the dispersal of gas-filled bubbles throughout the interior of the viscoelastic material of the present invention is non-obvious under 35 U.S.C. § 103.

## CONCLUSION

In view of the above, it is respectfully submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gregory E. Upchurch". The signature is written in black ink and is positioned above the printed name.

Gregory E. Upchurch

Reg. No. 28,482

Polster, Lieder, Woodruff & Lucchesi

763 So. New Ballas

St. Louis, Missouri 63141

314/872-8118